

Senate File 2095 - Introduced

SENATE FILE _____
BY BOLKCOM _____

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to domestic abuse protective orders and animals
2 owned or held by a petitioner, respondent, or minor child of
3 the petitioner or respondent in domestic abuse cases.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5137XS 82
6 rh/nh/5

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1 1 Section 1. Section 236.3, subsection 6, Code 2007, is
1 2 amended to read as follows:
1 3 6. Name and age of each child under eighteen whose welfare
1 4 may be affected by the controversy. The petition may also
1 5 state any animal owned, possessed, leased, kept, or held by
1 6 the petitioner, respondent, or minor child of the petitioner
1 7 or respondent whose welfare may be affected by the
1 8 controversy.

1 9 Sec. 2. Section 236.4, subsection 2, Code 2007, is amended
1 10 to read as follows:

1 11 2. a. The court may enter any temporary order it deems
1 12 necessary to protect the plaintiff from domestic abuse prior
1 13 to the hearing, upon good cause shown in an ex parte
1 14 proceeding. Present danger of domestic abuse to the plaintiff
1 15 constitutes good cause for purposes of this subsection.

1 16 b. The court may include in the temporary order issued
1 17 pursuant to this subsection a grant to the petitioner of the
1 18 exclusive care, possession, or control of any animal owned,
1 19 possessed, leased, kept, or held by the petitioner,
1 20 respondent, or minor child of the petitioner or respondent.
1 21 The court may order the respondent to stay away from the
1 22 animal and forbid the respondent from taking, transferring,
1 23 encumbering, concealing, molesting, attacking, striking,
1 24 threatening, harming, or otherwise disposing of the animal.

1 25 Sec. 3. Section 236.5, subsection 2, Code 2007, is amended
1 26 by adding the following new paragraph:

1 27 NEW PARAGRAPH. f. The court may include in an order
1 28 issued pursuant to this section a grant to the petitioner of
1 29 the exclusive care, possession, or control of any animal
1 30 owned, possessed, leased, kept, or held by the petitioner,
1 31 respondent, or minor child of the petitioner or respondent.
1 32 The court may order the respondent to stay away from the
1 33 animal and forbid the respondent from taking, transferring,
1 34 encumbering, concealing, molesting, attacking, striking,
1 35 threatening, harming, or otherwise disposing of the animal.

2 1 EXPLANATION

2 2 This bill relates to domestic abuse protective orders and
2 3 animals owned or held by a petitioner, respondent, or minor
2 4 child of the petitioner or respondent in domestic abuse cases.

2 5 The bill provides that a person who files a petition for
2 6 relief from domestic abuse pursuant to Code section 236.3 may
2 7 include any animal owned, possessed, leased, kept, or held by
2 8 the petitioner, respondent, or minor child of the petitioner
2 9 or respondent whose welfare may be affected by domestic abuse.

2 10 The bill further provides the court may include in both
2 11 temporary and permanent orders issued a grant to the
2 12 petitioner of the exclusive care, possession, or control of
2 13 any animal owned, possessed, leased, kept, or held by either
2 14 the petitioner, respondent, or minor child of the petitioner
2 15 or respondent. The court may order the respondent to stay
2 16 away from the animal and forbid the respondent from taking,
2 17 transferring, encumbering, concealing, molesting, attacking,
2 18 striking, threatening, harming, or otherwise disposing of the
2 19 animal.

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